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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,023	01/02/2002	Gregory C. Kime	42390P12859	7085

8791 7590 11/27/2006

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,023

Applicant(s)

KIME ET AL.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, and 28-33 are presented for examination. The Office acknowledges the cancellation of claims 4-27 and the addition of claims 31-33; claim 31 independent.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 28, 29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajasekharan et al. (USPN 6,480,961) (hereinafter Rajasekharan).

3. Referring to claim 1, Rajasekharan discloses a method comprising:

receiving, at a server 210 (Figure 2) a request for a data stream from a client 240 (Figure 2; col. 3, lines 20-30);

sampling one or more portions of the requested data stream by the server and generating one or more fingerprint blocks that correspond to the one or more server sampled portions of the data stream (an inherent feature, otherwise the content integrity values would not be able to be generated, which correspond to one or more portions of the digital content) (col. 5, lines 43-51);

transmitting the one or more fingerprint blocks and the requested data stream to the client (Figure 4, ref. 400; Figure 5);

sampling one or more portions of the data stream by the client (i.e. periodically check stream of information at regular intervals) (col. 4, lines 56-65);

generating one or more fingerprint blocks that correspond to the one or more sampled portions of the data stream (i.e. generating a hash value based on a block of content received) (col. 4, lines 65-66); and

4. comparing the one or more fingerprint blocks generated at the server with the one or more fingerprint blocks generated at the client to verify validity of the requested data stream (i.e. the playback device checks the content integrity values previously received as part of the authorization data to determine whether the hash value is included) (col. 4, line 65 to col. 5, line 3).

5. Referring to claim 3, Rajasekharan discloses generating one or more fingerprint blocks comprises generating a CRC (i.e. hash) values for the one or more sampled portions of the data stream (col. 4, line 65 to col. 5, line 3).

6. Claims 28, 29, and 31 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims *** are rejected under 35 U.S.C. 103(a) as being unpatentable over Postel (RFC 793: Transmission Control Protocol, September 1981) (hereinafter Postel).

8. Referring to claim 2, Rajasekharan discloses the invention substantively as described in claim 1. Rajasekharan does not specifically disclose communicating a valid status message upon verification of the requested data stream. In analogous art, Postel discloses transmitting a valid status message (i.e. ACK) upon verification of the requested data stream (i.e. once the packet is received correctly, an ACK is transmitted back to the server to indicate that the packet has been successfully received (page 3: Reliability). It would have been obvious to one of ordinary skill in the art to combine the teaching of Postel with Rajasekharan in order to efficiently notify the distribution server 210 that an authorized user has successfully verified the transmission of the data stream, resulting in increased reliability of the system.

9. Claims 30 and 32 are rejected for similar reasons as stated above.

10. Referring to claim 33, Rajasekharan discloses the invention substantively as described in claim 1. Rajasekharan does not specifically disclose communicating a valid status message upon verification of the requested data stream. In analogous art, Postel discloses transmitting an error status message (i.e. no ACK received) upon verification of the requested data stream (i.e. if a packet has not been received correctly, no ACK is transmitted back to the server, indicating that the packet has not

been received properly) (page 40: section 3.7). It would have been obvious to one of ordinary skill in the art to combine the teaching of Postel with Rajasekharan in order to efficiently notify the distribution server 210 that an unauthorized user is attempting to access data which they have not paid for, thereby resulting in increased security of the system.

Response to Arguments

11. Applicant's arguments filed October 17, 2005 have been fully considered but they are not persuasive.

12. In the remarks, Applicant argues, in substance, that (1) Rajasekharan does not disclose generating fingerprint blocks since the content integrity values disclosed in the reference are not the same as generating fingerprint blocks.

13. As to point (1) Applicant is incorrect. Applicant has not provided any rationale or evidence as to why the generation of hash values from sampled blocks in Rajasekharan is different than the generation of fingerprint blocks in the claimed invention.

Furthermore, the Examiner provides, as evidence, the Moskowitz reference (US Pre Grant Pub. 2002\0010684) that hash values can be used as fingerprint blocks (§ 63: "the hash function may be used to generate a fingerprint for the input data"). By this rationale, the Office has clearly shown that hash values, such as those in Rajasekharan can be construed as "fingerprint blocks", and as such the rejection is maintained.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

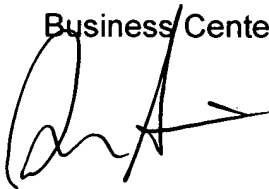
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

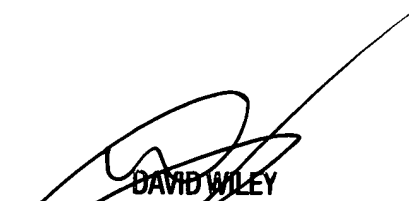
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph E. Avellino, Examiner
October 20, 2006



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100